IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1019(SS) of 2007

Smt. Meenakshi Dhami,
W/o Sri H.S. Dhami,
R/o near Ganga Niwas,
Dharchula Road,
Pithoragarh.

…….Petitioner.

Versus

1. Additional District Education Officer (Basic), Pithoragarh,
2. Block Education Officer, Munakot Block, Pithoragarh.

……..Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Anil Bisht, learned counsel for the petitioner and Sri N.P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, petitioner has challenged the order dated 02.06.2007 passed by respondent no. 2 i.e. Block Education Officer, Munakot, District – Pithoragarh by which petitioner has been directed to take charge of Assistant Teacher in Primary School, Kwarban, Munakot and was relieved from present place of posting i.e. Primary School, Marsoli, Munakot.

Impugned order has been passed on the ground that petitioner was attached to Primary School, Marsoli, Munakot and was getting salary from Primary School, Kwarban, Munakot.

Learned counsel for the petitioner has drawn my attention towards order dated 30.06.2003 passed by District Basic Education Officer, Pithoragarh by which petitioner has been transferred from Primary School, Kwarban, Munakot to Primary School, Marsoli, Munakot.

In the aforesaid order, nowhere it is mentioned that petitioner is being attached to Primary School, Marsoli, Munakot on the contrary it is specifically mentioned that petitioner is being transferred from Primary School, Kwarban, Munakot to Primary School, Marsoli, Munakot.

From perusal of impugned order it appears that impugned order has been passed by Block Education Officer, Munakot, District - Pithoragarh without considering earlier order dated 30.06.2003 by which petitioner was not attached but transferred to Primary School, Marsoli, Munakot.

In these circumstances, I deem it fit and proper to direct the petitioner to make representation before respondent no. 2 within a period of two weeks from today and respondent no. 2 is directed to take decision on the representation of the petitioner within a period of three weeks from the date of production of certified copy of this order along with representation. Till the decision is taken by respondent no. 2 on the representation of the petitioner, impugned order dated 02.06.2007 passed by respondent no. 2 shall remain stayed.

With this direction, writ petition and stay application is disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 07,2007
SKS